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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR-10-00732-JF
12)
Plaintiff,) STIPULATION AND [PROPOSED]
13) ORDER CONTINUING HEARING DATE
vs.) AND EXCLUDING TIME UNDER THE
14) SPEEDY TRIAL ACT
MARIO CORTEZ-RODRIGUEZ,)
15)
Defendant.)
16 _____)

17 **STIPULATION**

18 Defendant Mario Cortez-Rodriguez, by and through Assistant Federal Public Defender
19 Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney
20 Bradley D. Price, hereby stipulate that, with the Court's approval, the court date currently
21 scheduled for Thursday, April 14, 2011, shall be continued to Thursday, May 5, 2011, at 9:00
22 a.m.

23 The purpose of the continuance is to grant the defense additional time to research a legal
24 issue with respect to Mr. Cortez-Rodriguez's prior deportation that has been raised since the
25 parties last appearance in this matter. Accordingly, the parties agree that the time between April
26 14, 2011, and May 5, 2011, is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A)

1 and (B)(iv), for effective preparation by defense counsel.

2 IT IS SO STIPULATED.

3 Dated: April 13, 2011

4 _____/s/_____
VARELL L. FULLER
Assistant Federal Public Defender

5 Dated: April 13, 2011

6 _____/s/_____
BRADLEY D. PRICE
Special Assistant United States Attorney

8 ~~{PROPOSED}~~ **ORDER**

9
10 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
11 ORDERED that the hearing currently set for April 14, 2011, shall be continued to Thursday,
12 May 5, 2011, at 9:00 a.m.

13 THE COURT FINDS that failing to exclude the time between April 14, 2011, and May 5,
14 2011, would unreasonably deny defense counsel reasonable time necessary for effective
15 preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
16 3161(h)(7)(B)(iv).

17 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
18 between April 14, 2011, and May 5, 2011, from computation under the Speedy Trial Act
19 outweigh the interests of the public and the defendant in a speedy trial.

20 THEREFORE, IT IS HEREBY ORDERED that the time between April 14, 2011, and
21 May 5, 2011, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
22 3161(h)(7)(A) and (B)(iv).

23 IT IS SO ORDERED.

24 Dated: 4/13/11

25 

THE HONORABLE JEREMY FOGEL
United States District Court Judge